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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,518	04/17/2001	Osamu Ichiyoshi	WN-2323	5687

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EXAMINER	
TRINH, TAN H	

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/835,518	ICHIYOSHI, OSAMU	
	Examiner	Art Unit	
	TAN TRINH	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *11-25 and 27-29* is/are allowed.

6)☒ Claim(s) *1-10,26 and 30-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed, on 3-10-2003 and 6-9-2003. However, the applicant does not attached the list of references and the attached form PTO-1449, Therefore the IDS references list is need to submitted.

Allowable Subject Matter

1. Claims 11-25 and 27-29 are allowed.

Reasons for allowance

2. The following is an examiner's statement of reasons for allowance:

Regarding claims 11-25 and 27-29 are allowed with the same reasons set forth in the previous Office action (paper mailed on 6-03-2004).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker (U.S. Pub. No. 20010023429) in view of Yamane (U.S. Patent No. 5,701,580) further in view of Williams (U.S. Patent 5970386).

Regarding claim 1, Barker teaches the data distribution satellite communication system (see fig. 1) comprising a communication satellite; a plurality of satellite communication

terminals for plurality of users (see fig.1, plurality of users client PCs 16), each terminal enabled to receive a signal from the communication satellite (see fig. 1), the data distribution satellite communication system providing, from the communication satellite to the plurality of satellite communication terminals with distribution business for a data signal in a broadcasting fashion (see figs. 1-4, page 1, sessions [0016]-[0017]); a satellite earth station (see fig. 1, satellite earth station (NOC 13)); the data distribution center (see fig. 1, data distribution center (Content provider 11)) connected to the satellite earth station (see fig. 1, connection 12a),; and return communicating means for enabling the data distribution center to receive a data request signal from the satellite communication terminals (see figs. 1-4, page 1, sessions [0016-0018] , since the user PCs 16 or server 15, is coupled by way of the modem 18 to the network operation center 13, the modem 18 provides a low rate return path that is used to transmit request from the user 16), and the data request signal indicative of an emergency level of data distribution (see page 2, session [0026], line 6). But, Barker fails to show the data request signal **from the user** including a code indicative of an emergency level of data distribution that indicates a time interval.

However, Yamane teaches the data request signal including a code indicative of an emergency level of data distribution that indicates a time interval (see figs. 1-13, abstract, lines 1-18, col. 3, lines 5-28, col. 4, lines 34-65 and col. 7, lines 28-67). And Williams teaches the data request from the user (see Williams fig. 1, col. 4, lines 57-66, and col. 10, lines 9-25, **the priority criterion is input by a user**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the above teaching and Yamane on the information service system data with key code on the quick service (immediately report) or none-immediately report

required and by the teaching of Williams on the data request by the user technique, in order to provide user with flexible choices and base on desired criteria (see Williams col. 10, lines 24-27).

Regarding claim 2, Baker teaches wherein the data request signal has, as the emergency level of the data distribution, a class indicative of instant, within ten minutes, within thirty minutes, within one hour, within six hours, within one day, within one week, a periodic distribution (see page 3, sessions [0042-0043].

Regarding claim 3, Baker teaches the return communicating means, comprises a ground communication network for each of the satellite communication terminals having no transmitting function to the communication satellite (see fig. 1, content provider 11 no transmitting function to the communication satellite item 12a and modem 18).

Regarding claim 4, Baker teaches wherein the satellite earth station comprises: satellite communicating means for receiving (see fig. 1, NOC 13 and server 15), the data request signal from the satellite communication terminal communicated via the communication satellite and means for transferring the received signal to the data distribution center (see fig. 1).

Regarding claim 5, Yamane teaches when the emergency level of the data distribution indicates the instant, the data distribution center comprises instant data distributing means for transmitting, via the satellite earth station and the communication satellite, a data signal requested by the data request signal by preparing to a signal format including an

address of a request source as soon as possible (see figs. 1-13, abstract, lines 1-18, col. 4, lines 66-col. 5, line 28).

Regarding claim 6, Baker teaches when the emergency level of the data distribution of the satellite communication terminal serving as a request source indicates no instant or the periodic distribution, the data distribution center comprises means for preparing a reservation signal including a distribution time instant as well as a reservation number to transmit the reservation signal to the request source via the satellite earth station and the communication satellite, and the satellite communication terminal of the request source comprising means for receiving distribution data including the reservation number as an address at the distribution time instant (see page 3, sessions [0040-0043].

Regarding claim 7, Baker teaches wherein the data distribution center comprises an electronic library means for storing a broad range of information for meeting a demand in users of the satellite communication terminals in an electronic form, the electronic library means establishing a home page indicative of the broad range of information on the Internet to submit retrieval of the users, the electronic library means distributing information requested in accordance with a data request of the users (see fig. 1 content provider 11 and internet 12, page 4, session [0051] and [0022]).

Regarding claim 8, Baker teaches the satellite communication educational institution (see fig. 1, the content provider 11 with the internet 12) comprising: a communication satellite (see fig. 1 satellite 14); a plurality of satellite communication terminals (see fig. 1, satellite

communication terminal 13 and 15) each enabling to receive a signal from the communication satellite (see fig. 1); a satellite earth station for carrying out a principal communication via the communication satellite (see fig. 1) ; and a data distribution center connected to the satellite earth station by a communication channel (see fig. 1, data distribution center (content provider 11) to satellite earth station NOC 13) the data distribution center comprising an electronic library for storing collected information in an electronic form (see fig. 1 content provider 11 with Internet 12), the electronic library presenting stored contents to users of the satellite communication terminals to submit retrieval of the users (see fig. 1 content provider 11 and internet 12, page 4, sessions [0019-0020], [0051] and [0022]), the electronic library supplying information requested in accordance with a data request signal from the users (see page 2, sessions [0019-0020]), the data request signal of an emergency level of data distribution (see page 2, sessions [0019-0020, 0026 and 0040]). But, Barker fails to show the data request signal **from the user** including a code indicative of an emergency level of data distribution.that indicates a time interval.

However, Yamane teaches the data request signal including a code indicative of an emergency level of data distribution that indicates a time interval (see figs. 1-13, abstract, lines 1-18, col. 3, lines 5-28, col. 4, lines 34-65 and col. 7, lines 28-67). And Williams teaches the data request from the user (see Williams fig. 1, col. 4, lines 57-66, and col. 10, lines 9-25, **the priority criterion is input by a user**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the above teaching and Yamane on the information service system data with key code on the quick service (immediately report) or none-immediately report required and by the teaching of Williams on the data request by the user technique, in order to

provide user with flexible choices and base on desired criteria (see Williams col. 10, lines 24-27).

Regarding claim 9, Baker teaches wherein further comprises a ground communication network for connecting the data distribution center and the plurality of satellite communication terminals (see fig. 1, content provider 11 connect to NOC 13 and server 15).

Regarding claim 10, Baker teaches wherein further comprises a data communication network for connecting the data distribution center and a database for information collection (see fig. 1, Internet 12).

Regarding claim 26, Yamane teaches wherein the data request signal comprises, as the emergency level of the data distribution one of instant, within ten minutes, within thirty minutes, within one hours, within six hours, within one day, with in one week, and a periodic distribution (see figs. 1-13, abstract, lines 1-18, col. 3, lines 5-28, col. 4, lines 34-65 and col. 7, lines 28-67).

5 Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker (U.S. Pub. No. 20010023429) in view of Yamane (U.S. Patent No. 5,701,580) in view of Williams (U.S. Patent 5970386) and further in view of Miller (U.S. Patent No. 5,920,701).

Regarding claims 30 and 32, Barker, Yamane or Williams fails to teach the data distribution designates an allowable waiting time interval until the data is distributed.

However, Miller teaches the data distribution designates an allowable waiting time interval until the data is distributed (see fig. 3, col. 2, lines 1-18 and see table 1, col. 7, lines 1-col./ 8, lines 33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the teaching above and Miller teaching on allowable waiting time of the time interval starting with the time to delivery technique, in order to provide user with the schedule of the available of the transmission times of the content source.

Regarding claims 31 and 33, Barker, Yamane or Williams fails wherein the data distribution center distributes data requested by the data request signal within the allowable waiting time interval.

However, Miller teaches wherein the data distribution center distributes data requested by the data request signal within the allowable waiting time interval (see table 1, col. 7, lines 61-col. 8, line 33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the teaching above and Miller teaching on allowable waiting time of the time interval starting with the time to delivery technique, in order to provide user with the schedule of the available of the transmission times on the distribution center distributes data.

Response to Arguments

6. Applicant's arguments with respect to claims 1-10, 26, 30-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314).***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Nay Maung, can be reached at (571) 272-7882.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Art Unit 2684
Jan 19, 2006

1/19/06

TILAHUN GESESSE
PRIMARY EXAMINER